

EXHIBIT 5

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

All Suits Against the Saint Thomas Entities

MDL No. 2419
Dkt. No 1:13-md-2419 (RWZ)

**SAINT THOMAS WEST HOSPITAL'S THIRD SUPPLEMENTAL OBJECTIONS AND
ANSWERS TO PLAINTIFFS' STEERING COMMITTEE'S
FIRST SET OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Defendant Saint Thomas West Hospital, formerly known as St. Thomas Hospital (“STH”), submits its Third Supplemental Objections and Answers to Plaintiffs’ Steering Committee’s First Set of Interrogatories as follows:

GLOBAL OBJECTION

1. STH objects to the following phrase contained in the caption of the discovery requests propounded to it, which states:

“This Document Relates to:

All actions pending against Saint Thomas Outpatient Neurosurgical Center, LLC, and its affiliates . . .”

STH is not an “affiliate” of Saint Thomas Outpatient Neurosurgical Center, LLC (“STOPNC”); Saint Thomas Network is a 50% owner of STOPNC.

OBJECTIONS AND ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 3: Identify each communication (including face-to-face, telephone, email, or other communications) between NECC (including its agents, employees or representatives) and St. Thomas Hospital (including its agents, employees or representatives). For each communication identified, please provide the following information:

- (a) the names, job titles, and contact information for each person involved in the communication;
- (b) the date, time, length, mode and location of each communication or discussion;
- (c) whether any notes, memoranda, recordings, writings or other records were kept of any of those conversations or communications; and
- (d) state as specifically as possible what each party to the communication or conversation said and state what actions St. Thomas Hospital took, if any, as a result of each communication or conversation.

ANSWER: STH will produce responsive documents in accordance with the ESI Protocol and the agreements of the parties regarding search terms. The review process is currently underway. Other than information reflected in the documents, NECC attended trade shows at which STH employees were present and made marketing visits to STH. STH employees do not recall any of the details regarding marketing visits, including when they occurred or who appeared representing NECC. STH employees spoke to many companies with booths at trade shows and may have spoken with NECC representatives in such context. However, they cannot recall whether such communications actually occurred and therefore cannot recall any details.

INTERROGATORY NO. 4: Has St. Thomas Hospital ever decided not to purchase or continue purchasing medications from NECC or any entity affiliated with NECC? If so, please state the date of that decision, identify the name of each individual involved with that decision, and please explain all reasons for and circumstances surrounding the decision.

ANSWER: STH did not purchase from NECC after the one-time purchase of LET solution in 2011. Martin Kelvas, Director of Pharmacy Services, decided not to use the product from NECC and decided not to purchase from NECC in the future. He did not believe supplies could be ordered from NECC, which he believed could only fulfill patient prescriptions.

INTERROGATORY NO. 6: Please list the date, location, and attendees present at each and every meeting (business or social) between or among NECC (including its agents, employees or representatives) and St. Thomas Hospital (including its agents, employees or representatives).

ANSWER: STH will produce responsive documents in accordance with the ESI Protocol and the agreements of the parties regarding search terms. The review process is

currently underway. Other than information reflected in the documents, see response to Interrogatory No. 3.

INTERROGATORY NO. 11: Explain in detail St. Thomas Hospital's policies and procedures regarding the purchase of medications, including but not limited to a description of any applicable policies and procedures from Ascension.

OBJECTION: STH objects to this interrogatory as overly broad and unduly burdensome because it is not limited in time and STH has been in existence since 1905.

ANSWER: Subject to and without waiving the foregoing objections, as of 2012, STH generally purchased medications through McKesson, a group purchasing organization, by selecting from among available medications listed by McKesson in an online database. In the event that a medication that STH wanted to purchase was not available from McKesson, STH pharmacists followed the STH Formulary System policy and pharmacy procurement policies, which are being served herewith.

Dated: January 5, 2015

SAINT THOMAS WEST HOSPITAL,
FORMERLY KNOWN AS ST. THOMAS
HOSPITAL

By its attorneys,

/s/ Yvonne K. Puig

Sarah P. Kelly (BBO #664267)
skelly@nutter.com

NUTTER McCLENNEN & FISH LLP
Seaport West
155 Seaport Boulevard
Boston, Massachusetts 02210
(617) 439-2000
(617) 310-9461 (FAX)

OF COUNSEL:

Yvonne K. Puig*
Texas State Bar No. 16385400
yvonne.puig@nortonrosefulbright.com
Adam T. Schramek*
Texas State Bar No. 24033045
adam.schramek@nortonrosefulbright.com
Eric J. Hoffman*
Texas State Bar No. 24074427
eric.hoffman@nortonrosefulbright.com

FULBRIGHT & JAWORSKI LLP
98 San Jacinto Blvd., Suite 1100
Austin, Texas 78701
(512) 536-2450
(512) 536-4598 (FAX)

Marcy Hogan Greer*
Texas State Bar No. 08417650
mgreer@adjtlaw.com

ALEXANDER DUBOSE JEFFERSON &
TOWNSEND LLP
515 Congress, Suite 2350
Austin, Texas 78701
(512) 482-9300
(512) 482-9303

*Appearing Pro Hac Vice

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served in the following manner on the 5th day of January, 2015, to:

J. Gerard Stranch, IV
Benjamin A. Gastel
BRANSETTER, STRANCH & JENNINGS
PLLC
227 Second Avenue North
Nashville, TN 37201
Phone: (615) 254-8801
Fax: (615) 255-5419
gerards@branstetterlaw.com

C.J. Gideon
Chris Tardio
Gideon Cooper & Essary
315 Deaderick St., Suite 1100
Nashville, TN 37238
cj@gideoncooper.com
chris@gideoncooper.com

Via Electronic Mail

Roberto M. Braceras
Goodwin Procter LLP
Exchange Place
Boston, MA 02109
rbraceras@goodwinprocter.com

Via Electronic Mail

Via Electronic Mail

/s/ Eric J. Hoffman
Eric J. Hoffman

VERIFICATION

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

I, Carmen Leffler, being first duly sworn upon oath, depose and say that I am the Director of Pharmacy of Saint Thomas West Hospital, formerly known as St. Thomas Hospital ("STH") and that I am authorized to make this Affidavit on its behalf; that I have read the foregoing answers to Interrogatory Numbers 3, 4, 6 and 11 and know the content thereof; that there is no single person employed by or otherwise connected with STH who has personal knowledge of all the facts and information requested herein; that said Answers were prepared with the assistance and advice of counsel and the assistance of various employees and representatives of the corporation, upon which I have relied; that the Answers set forth herein, subject to inadvertently or undiscovered errors, are based on, and therefore necessarily limited by, the records and information still in existence, presently recollected, and thus far discovered in the course of the preparation of these Answers; that the foregoing Answers are thus based upon corporate knowledge and are true and correct to the best of my knowledge and belief; that consequently, I reserve the right to make any changes in the Answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available and that, subject to the limitations set forth herein, the said Answers are true to the best of my knowledge, information and belief.

SAINT THOMAS WEST HOSPITAL

By: Carmen Leffler
Carmen Leffler
Director of Pharmacy

Sworn to and subscribed before me on this
The 5th day of January, 2014. 2015

Christa McClaskey
NOTARY PUBLIC

My Commission Expires:

March 14, 2017